

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 539 of 1992

with

APPEAL FROM ORDER No 540 of 1992

with

APPEAL FROM ORDER No 460 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

KUNTAL J TRIVEDI, MINOR THRO'GUARDIAN & FRIEND N J TRIVEDI

Versus

MANIBEN VASUDEV

Appearance:

1. Appeal from Order No. 539 of 1992
MR PV NANAVATI for Appellant
MR GS VYAS, L.A. for MR JR SHAH for Respondent No. 1, 2
 2. Appeal from OrderNo 540 of 1992
MR PV NANAVATI for Appellant
MR GS VYAS, L.A. for MR JR SHAH for Respondent No. 1, 2
 3. Appeal from Order No.460 of 1995
MR PV NANAVATI for Appellant
MR GS VYAS, L.A. for MR JR SHAH for Respondent No.1, 2
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Date of decision: 19/09/2000

COMMON ORAL JUDGEMENT

1. At the request of both the parties, these three appeals are disposed of by this common judgment as the order dated 22.10.1992 challenged in each appeal is a common order by which applications Exhs.5,6,17 and 18 have been disposed of in Civil Suit No.2251 of 1992 and applications Exhs.70, 89 and 97 have been disposed of in Civil Suit No.2194 of 1975. That suits are still pending on the file of the learned Judge, City Civil Court, Court No.6, Ahmedabad.

2. Appeal No.460 of 1995 is filed by the original defendants of Civil Suit No.5432 of 1994 whereas the respondent is plaintiff in that suit.

2.1 Appeal No.539 of 1992 is filed by the original plaintiff of Civil Suit No.2251 of 1992 whereas the respondents are the original defendants in that suit.

2.2 Appeal No.540 of 1992 is filed by the original defendants of Civil Suit No.2194 of 1975 whereas the respondent is the plaintiff in that suit.

3. When these three appeals were taken up for final hearing before the Court, the learned advocates for both the parties jointly submitted that, without observing anything about the orders challenged in these three appeals and without assigning any reasons in the judgment, these three appeals may be disposed of by giving suitable directions to the learned Judge of the trial Court.

4. Having heard the learned advocates for both the parties and on going through the grounds of appeal in appeal memo of each appeal, this Court is of the view that these appeals are required to be disposed of by giving suitable directions to the learned Judge of the trial Court.

5. In view of this, the learned Judge of the trial Court is directed to dispose of the Civil Suit No.2251 of 1994 and Civil Suit No.2194 of 1975 which are pending on the file of his Court within one and half year from the date of receipt of writ of this Court, by affording full opportunity of being heard to both the parties, without being influenced in any manner by the order of this Court.

6. Both the parties are directed to give full co-operation to the learned Judge of the trial Court so as to enable him to dispose of the suits within a given time.

7. Meanwhile, the order dated 3rd March, 1993, of this Court (Coram: S.D.Shah, J.) passed in Civil Application No.4853 of 1992 in Appeal from Order No.539 of 1992 and A.O. No.540 of 1992 shall continue to remain effective and operative till final disposal of the aforesaid two suits. Said order of this Court dated 3rd March, 1993, passed in Civil Appln.No.4853 of 1992 shall be equally applicable to the Appeal from Order No.460 of 1995 arising from order dated 1.11.1994 passed below Applications Exh.5 and 6 in Civil Suit No.5432 of 1994.

With the aforesaid directions, these three appeals stand disposed of accordingly with no order as to costs. Office is directed to send the writ of this Court to the trial Court at the earliest.

(H.H. Mehta, J.)

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